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# Appeal Decision

Inquiry opened on 19 February 2013

Site visits made on 28 February 2013

**by K D Barton BA(Hons) DipArch DipArb RIBA FCI Arb**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 April 2013**

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**Appeal Ref: APP/H1705/A/12/2182975**

**Former Smiths Industries Aerospace Limited, Winchester Road,  
Basingstoke RG22**

- The appeal is made under Section 78 of the *Town and Country Planning Act 1990* against a refusal to grant planning permission.
  - The appeal is made by Tesco Stores Limited against the decision of Basingstoke and Deane Borough Council.
  - The application Ref BDB/75056, dated 30 August 2011, was refused by notice dated 16 August 2012.
  - The development proposed is a Class A1 foodstore with car park, landscaping and associated highways works.
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## Preliminary Matters

1. The Inquiry sat on 7 days between 19 February and 1 March 2013. Unaccompanied visits were carried out on 28 February to the Brighton Hill roundabout during the morning peak period, the area surrounding the appeal site, including the residential area on the opposite side of The Harrow Way to the site. The Town Centre, District Centres, shopping parades, and out of centre stores indicated on a map submitted by the Council on the first day of the Inquiry were also visited.
2. Although the application form states that the site is on Winchester Road, the main access to the proposed store would be from The Harrow Way. That is the address referred to by the parties and which I have used as the address for the site.

## Decision

3. The appeal is dismissed.

## **Effect of the Proposed Development on the Vitality and Viability of the Brighton Hill District Centre, the Wider Area of Basingstoke Town, and the Sustainability of the Local Community**

4. The appeal site, which has an area of 3.3 hectares and has been cleared of all structures associated with its former use as a production facility, lies to the south west of Basingstoke Town Centre between the A30 Winchester Road to the north and The Harrow Way to the south. These two roads meet at the Brighton Hill roundabout, approximately 300 metres to the west of the appeal site.

5. Immediately to the west of the site, on higher ground, is the Brighton Hill Retail Park that includes six retail units, a Pizza Hut restaurant in the car park, and a drive through McDonalds adjacent to the entrance to the retail park. The entrance is via a traffic light controlled junction from Winchester Road. To the north, on the opposite side of Winchester Road, is the Basingstoke Football Club ground and residential development. On lower ground to the east is Basingstoke Business Centre consisting of a number of small business units, whilst on the opposite side of The Harrow Way to the south is further residential development that is generally set back from the road behind mature landscaping.
6. In addition to the Town Centre, there are designated District Centres at Chineham, to the north east of the Town Centre anchored by a Tesco store, and on the opposite side of the Brighton Hill roundabout, a short distance to the south west of the appeal site, anchored by an Asda store. A large out of centre Sainsbury's store lies further to the south west, and there is a large out of centre Morrison's store and a smaller Lidl store to the west of the Town Centre. There are small undesignated parades of shops to the south and west of the Town Centre including at King's Furlong, King's Hill, Buckland Avenue, and King's Road.
7. The proposed store would have a gross external floor area of 8,569m<sup>2</sup> and a total retail sales area of around 4,730m<sup>2</sup>, of which no more than 40% would be devoted to the sale of comparison goods. It would include a customer café and staff facilities and would be the second largest store in and around Basingstoke.
8. There is no saved policy in the *Basingstoke and Deane Borough Local Plan (LP)* relating to the principle of providing retail development such as the proposed store. In these circumstances, the proposal falls to be considered against the aims of the *National Planning Policy Framework (Framework)*. Paragraphs 24 and 26 of the *Framework* indicate that applications for retail development that are not in an existing centre or in accordance with an up-to-date *Local Plan* should be subject to a sequential test and, if over a floorspace threshold which this proposal is, should also be subject to an impact assessment. Paragraph 27 states that where an application fails a sequential test, or is likely to have a significant adverse impact on one more of the factors set out in paragraph 26 then it should be refused.
9. A sequential assessment was carried out in connection with an earlier scheme for a store on the appeal site and a statement dated 31 May 2012 considered whether there had been any changes in the interim and addressed Basing View in particular. The Council does not claim that Basing View is a sequentially preferable site, and has not raised it as a reason for refusal, but together with Asda maintains that it is a material consideration on the basis that the proposed Tesco store would take up most of the forecast expenditure capacity for comparison goods in 2016 in the whole Borough and so have an adverse effect on investment in the Town Centre. However, Basing View is an out of centre location. Although the Council has an aspiration to extend the Town Centre, and has promoted the Basing View area, the emerging *Local Plan* has not yet reached the first consultation stage. Even if the site was included in an extended Town Centre and was available in a reasonable time, albeit that the *Basing View Masterplan Vision* indicates that the Council has a different scheme in mind for the site, it would only be suitable for a supermarket sized store not

the proposed superstore and so would require more than flexibility to be demonstrated. Consequently Basing View is not a sequentially preferable site and carries little, if any, weight as a material consideration.

10. Retail impact assessment is an art not a science, and the various experts have all adopted different methodologies and made different assumptions based on their professional judgement, with or without reliance on household surveys. There are differences as to what goods and services are considered non retail, what the trading density per square metre would be, and of how net retail sales areas are calculated. These account for some of the differences between the experts' assessment of impact.
11. Stores trade in a range from 50% of company average to 200% of it. Estimated average/benchmark turnovers for the proposed store also cover a wide range with Tesco's retail witness estimating it at about £46m. The Council suggest it would be £63.1m and Asda £55-58m whilst Strategic Perspectives (SP), who carried out the Council's *Retail Study* and Updates, applied a sensitivity test turnover of some £56m and GL Hearn who were Tesco's consultant on a previous application on the site referred to some £60m. This latter figure was at 2006 prices and related to a scheme 12% smaller than now proposed. When these differences are factored in, the resultant GL Hearn turnover figure remains at just below £60m. Some of this would come from capacity in the Borough but a significant part would be drawn from competing stores.
12. Tesco's current retail witness is 'out on a limb' compared to all the other retail experts, despite carrying out a sensitivity test mirroring the approach of the Council. It is claimed that the other consultants have significantly overestimated the turnover of the store and that it would not trade at or near the company average for some time. A view confirmed by Tesco. However, it seems counterintuitive that the second largest superstore in the sub-regional catchment would only perform at or below average levels when mature, even if it is a second Tesco in a competitive, relatively mature, market and where it is suggested that the nearest competitor, Asda, has a higher trading density than Tesco and a greater top-up role. On Tesco's estimate the proposed store's turnover would be less than the current turnover of Asda despite the proposal being a larger, more modern, store with a larger surface level car park, easy access off the A30, and occupying generally the same catchment area.
13. The nearest designated Centre is at Brighton Hill, less than a kilometre from the appeal site. Asda anchors the small Centre and there are 14 other units and a Health Centre. Asda has a turnover of around £50m, about 10% above company average, but it is the Centre as a whole that must be considered.
14. SP originally advised the Council, in December 2011, that there was clear evidence that the proposal would be likely to lead to significant adverse impacts. This view changed in March 2012. The most compelling evidence identified by SP for this change is stated to be the fact that the majority of operators/uses present in 2001 were still represented in the Centre in 2012. This is despite Sainsbury's leaving Brighton Hill for a new larger store at Hatch Warren/Kempshott and includes a two year period without an anchor store in the Centre. However, this was during a period of high economic growth, unlike the current economic climate and traders might be trapped in leases from which they cannot escape. Falling rent streams would affect the ability to invest in the Centre and so affect retailer confidence.

15. There are currently no vacancies in the Centre but the managing agents report that “trading conditions are extremely difficult and many of the businesses are at least marginal. Indeed, we have problems with rent arrears from some businesses and rental levels have remained static. We have genuine concerns that if the Tesco proposal is approved some tenants may not renew their leases. In this context we have lease renewals due in the next 12-18 months, and if these tenants decide to vacate there will be difficulty in letting the units, which will invariably lead to a decline in the District Centre”.
16. Moreover, SP’s revised view appears to be based on the incorrect test of whether the Asda store would close rather than on the impact on the vitality and viability of the Centre as a whole. Whilst Tesco’s retail witness estimates the trade draw from Asda based on the lower turnover of the proposed Tesco would be 18.5%, some £10.56m, the Council’s and Asda’s experts suggest it would be 26-31%, in the region of £16.4-£17.81m. Even the lower estimate would have a significant impact on the Centre. The number of units in the Centre is small, as is the size of the units. Asda would fight back as best it was able but the Centre as a whole is constrained and has no opportunity to expand. It is not suggested that Asda would close, but there would be a dramatic change in footfall in the centre. On Asda’s figures, dividing trade diverted by an average basket spend of £20.11 indicates that there would be a diversion of in the region of 16,700 trips a week from Asda. Although this calculation uses a dated methodology it gives a general indication of the effect on the flow of customers and the vitality of the Centre.
17. Since the advent of Asda in 2003 the Centre has improved. It is suggested that given the range of shops and services with a health centre including a pharmacy, an estate agent, three takeaways, an Indian restaurant, a vet, a hairdresser, a gym, a bookmaker, two charity shops, Boots, Cutting Edge Fabrics, and a Polish delicatessen that there would be relatively few linked trips and any impact would not be significant. However, Tesco’s household survey, indicates that of the 51% of main food shoppers using Asda, 87% use the pharmacies, predominantly Boots, 42% patronise the takeaways, and 82% use the other shops. 87% used the shops on one or more occasions a month.
18. The link with top-up shoppers is equally strong with 50% using other shops once a week and 81% at least once a month. Linked trips are, therefore, important to the operation of the District Centre as a whole and the Centre would be adversely affected by a significant drop in footfall. Tesco suggests that people would still be attracted to the shops and services in the centre even if they switched their main food shop to Tesco. However, anecdotal evidence from local residents paints a very different picture of the Centre before Asda when the range of occupiers was broadly similar.
19. Whilst Tesco suggested that much of the top-up trade was walk in, the survey indicates that 50% of the top-up shoppers arrive by car. These could easily be diverted to a store on the nearby appeal site. In addition, Tesco’s household survey discloses that whilst 56% of respondents undertake their main food shop with Asda, 13% are attracted to Morrison’s and 24% to Sainsbury’s at Hatch Warren/Kempshott, both of which are further away than the proposed Tesco would be. I conclude that the proposal would be likely to have a significant adverse impact on the vitality and viability of the designated District Centre as a whole, contrary to the aims of paragraph 27 of the *Framework*.

20. Turning to Basingstoke Town Centre, the Council accepts that whilst there would be some impact on it, this would not justify refusal. Estimates of trade draw range from Tesco's approximately 5.9%, just over £3m, to the Council's 15.4%, just below £10m, with Asda's 9%, around £5m, in the middle. However, the Town Centre has for a number of years traded against the existing Sainsbury's, Morrison's, Tesco and Asda stores. Whilst those stores, with the exception of Morrison's, sell many of the goods sold in the Town Centre, they serve a different sort of customer. They do not trade 'like for like' with the Town Centre, which is a higher order sub-regional centre primarily serving the fashion and comparison goods market and having a much more diverse offer and a much wider range. The Town Centre has been strengthened by investment in Festival Place making it less vulnerable to any impact from the proposal, which in any event would be diluted across a large number of stores preventing any significant impact on the Town Centre.
21. Chineham District Centre is on the opposite side of the Town Centre to the appeal site and is anchored by a Tesco store that is one of the company's best performing stores in the region. The expert's estimates of trade draw range from approximately 10-14.7%, around £5.71m to £8.39m, with Tesco's expert the highest and Asda's the lowest. It is a larger Centre than Brighton Hill with 23 units, some of which are double, as well as four additional large units in an adjoining former retail park and the Tesco superstore.
22. Although there are a few vacant units and the Council suggests that it is vulnerable, the Centre is a bustling, busy place with a much wider range of retail outlets than Brighton Hill District Centre. The Parish Council's consultation response to the pre-submission Core Strategy notes that the existing supermarket is already overloaded and inadequate for the existing and proposed population in the area. In these circumstances some brand loyal Tesco customers might divert their trade to the proposed store, particularly those that live closer to the appeal site. Notwithstanding this diversion, which would to some extent reduce footfall, Tesco has expressed its commitment to the Chineham District Centre which is thriving and would not suffer any significant adverse impact.
23. The main competitors to the proposed store on a 'like for like' basis would be the out of centre stores operated by Morrison's and Sainsbury's. Trade draws would range from approximately 14-20%, £8.16m to £11.36m for the former, and around 20-27%, £11.42m to 15.70m for the latter. The Lidl store is smaller than the other out of centre stores and it is estimated that the trade draw from it would range from 0.4-3%, some £0.23m to £1.77m. Whilst these stores would suffer some adverse impact from a new competitor, they do not attract any policy protection. In any event, the proposal would widen the choice of retailers on the south-west side of town, and they are used to competing with each other and would redouble their efforts to maintain, if not improve, market share. The anticipated impact would not justify refusal of the proposed scheme.
24. The Council maintains that undesignated local shopping parades receive a measure of support from paragraph 70 of the *Framework*. However, the definition of Town Centre in the Glossary to the *Framework* includes district and local centres but specifically excludes small parades of shops of purely neighbourhood significance. The parades mentioned by the Council fall into that latter category. The *Impact Assessment* of the *Framework* makes clear

that paragraph 70 is aimed at the loss by development or change of use of valued local facilities. It would be illogical to introduce a form of impact test through paragraph 70 when such a provision is explicitly excluded for local parades by the definition of Town Centre.

25. The local parade at King's Furlong includes a pharmacy, a fireplace shop and a takeaway in addition to Jay Bee's convenience store. King's Hill is anchored by a Costcutter in a double unit, including a post office, and the parade also includes a nursery and a takeaway. King's Road and Buckland Avenue are larger parades. The former has one vacant unit but is anchored by a Co-operative store. The parade also includes a hairdresser, a charity shop, a butcher, a bookmaker and a takeaway. Buckland Avenue has a McColl's that includes a post office, three takeaway/pizza shops, a hardware shop, a florist, a hairdresser and a Co-operative funeral parlour.
26. The proprietor of Jay Bee's in the King's Furlong parade suffered a reduction in turnover of £1,000 a week when Safeway, now Morrison's, opened in the 1990's. In this case the Council suggests that the trade draw from all the local parades together would be 0.9%, some £0.6m. Regardless of whether they enjoy any policy support and protection, the local parades provide a range of services and facilities such as bill payments, including rent and council tax, the collecting of pensions and benefits, and the charging of utilities keys, which superstores don't provide, together with local convenience shopping. Although there would be some impact on these parades, it would not be so great that the proposed store would have any significant adverse effect on the service they provide to the local community. Consequently the proposal would not be contrary to the aims of Paragraph 70 of the *Framework*, even if it were applicable.

### **Effect on Highway Safety in Terms of Access and Traffic, Including Pedestrians and Cyclists**

27. Policy E1 of the *Basingstoke and Deane Borough Local Plan* (LP) requires, amongst other matters, safe and convenient access for all potential users integrating into existing movement networks. LP Policy A2 also requires cycling and walking infrastructure to be integrated with the development and linked to surrounding networks and additionally indicates that the funding of local transport improvements will be sought in conjunction with new development where appropriate. These objectives generally concur with the aims of paragraph 32 of the *Framework*.
28. A Transport Assessment (TA) was submitted with the proposal as required by paragraph 32 of the *Framework*. The appellant accepts that, with hindsight, it would have been helpful to update the TA following consultations with the highway authority but the lack of an updated TA would not justify dismissing the appeal. The Council's third reason for refusal refers to a lack of sufficient detail to demonstrate that the highway works would be adequate but the scheme was developed in conjunction with County Council (HCC), which acts as highway authority on behalf of the Borough Council. There is an agreed statement on Transport Matters between the appellant and HCC. HCC recommended that the proposals were acceptable, on the basis of the information before the Council, and members did not ask for any additional information.

29. The proposed store would provide 526 vehicular parking spaces, of which 27 would be disabled spaces. There would be 22 secure motorcycle stands and a minimum of 36 cycle parking stands. The TRICS database leads to predictions, on a Saturday, of 1388 pedestrians visiting the site with 135 in the peak, 89 cyclists with 7 in the peak and 450 people on public transport with 40 in the peak. In terms of public transport, HCC's consultation response, dated 8 November 2011, records that the site is served by the JAZZ 1 bus service on Winchester Road with stops in both directions less than 200 metres from the proposed access to the store. The service runs between Chineham and Hatch Warren via the Town Centre with frequencies varying between 10-25 minutes from 06:30 to 22:30 hours Monday to Saturday. HCC considers public transport accessibility is acceptable and there is little evidence to suggest otherwise.
30. The main access/egress for the site, including for delivery lorries, would be to/from The Harrow Way at a new signalised junction. This would include Puffin crossing facilities for pedestrians crossing The Harrow Way and Toucan crossing facilities for pedestrians and cyclists across the site access arm to tie in with a proposed footway/cycleway along The Harrow Way that would link with existing off-road and on-road cycle routes along Hatch Warren Lane and Cranbourne Lane. A secondary access only would be provided off the Brighton Hill Retail Park access road in the same position as the existing access. The existing Puffin crossing would be retained although the signalised junction would be improved by extending the length of the left turn lane into the site from the A30 Winchester Road which would be sufficient to accommodate the additional traffic expected in the AM, PM and Saturday peak periods. There would be no new provision for cyclists on Winchester Road.
31. Whilst the level of provision for pedestrians and cyclists has been criticised, the measures that would be provided would provide improvements. Provision for cyclists in the immediate vicinity is far from ideal but it is not for the appellant to address all the shortfalls in safe cycling provision in the wider area. The proposed measures would be proportionate for the trips that would be generated as a result of the proposed store. There are understandable concerns about the detail but detailed designs would not normally be expected at planning stage.
32. A number of other off-site works are proposed. Improvements to the Winchester Road roundabout would include additional signalisation, widening the approaches from the ring road, and increasing the width of the circulatory carriageway in some areas to provide three lanes. Modelling indicates that the junction would operate within capacity in all scenarios with development traffic added. On The Harrow Way, there were concerns about access to the dwelling known as 'Redruth' on the opposite side of the road to the appeal site. However, the stagger of the pedestrian crossing island has been reversed and moved east to enable vehicles to access and egress 'Redruth'. The Lister Road/The Harrow Way junction would be signalised, which would also allow improved pedestrian facilities at the junction, and would operate within capacity. A contribution would also be made towards investigating and implementing a scheme to reduce speeds on The Harrow Way.
33. Off-site works are also proposed to the Brighton Hill roundabout. This is a complex junction with six arms and carries a substantial volume of traffic with congestion at peak times. Currently pedestrians and cyclists move through the

- junction by using a number of subways. There is, therefore, no conflict between vehicles and pedestrians and cyclists. Notwithstanding the views of local residents, my observations on a weekday morning peak reflect the appellant's view, based on a survey, that the subways are relatively lightly used, albeit that both the survey and my observations were undertaken on a cool February morning and the usage might be greater at more temperate times of year.
34. The proposed works at Brighton Hill roundabout would involve the provision of four lanes through the centre of the existing roundabout island and the widening of the circulatory carriageways and approaches. Full signalisation would be provided together with at grade crossings. This would be an improvement for disabled pedestrians, pedestrians with pushchairs, and cyclists as the existing subway approaches do not meet the standards in the Disability Discrimination Act. Signalisation would allow control of vehicles entering the roundabout and help reduce accidents due to vehicles hesitating when attempting to join the circulatory carriageway or failing to judge the speed of circulating traffic.
  35. The scheme is necessary to accommodate the additional traffic that would use the junction, particularly the additional traffic that would use The Harrow Way to access/egress the appeal site. The proposal has been modelled and would operate within capacity even in the peaks. Indeed, as peaks of traffic generated by the store would not coincide with the AM peak there would be an improvement in terms of congestion at that time and the attraction of 'rat running' would be reduced.
  36. In addition, the most contentious element of the proposal for the roundabout would be the removal of the two existing western subways, although the two eastern subways would be retained. Subways are relatively commonplace in Basingstoke and those at Brighton Hill roundabout are not particularly intimidating. Some residents see them as a preferable option to crossings as they remove potential conflict between vehicles and pedestrians and cyclists. However, whilst there is some doubt about the area covered by local crime statistics, even the subways in this location are not without issues as there have been some incidents of crime in the immediate vicinity.
  37. In terms of the controlled crossings, national statistics do not address multiple crossings as would be the case at the roundabout. However, they show that the risk to users of crossings is extremely low and local accident data shows the local risk is lower still. Applying national data to local crossings would suggest there should have been about 7 accidents over the 10 years of local data whereas there has been just one. Despite concerns that school children might not behave sensibly whilst in groups, the crossings would be safe in their own right. Indeed, those who would use the new crossings would, for the most part, do so as part of a longer journey, which would also involve other controlled and uncontrolled crossings. It would be a familiar experience.
  38. Local residents and the Council referred to the Brighton Hill roundabout works as causing 'severance'. Although the western subways would be closed, there would be controlled crossings that are accepted to be safe, although residents maintain their concerns that some pedestrians, cyclists and motorists would cross or 'jump' the signals against them. People crossing the roundabout, including children going to and from school, would have a slightly different journey. Some would be about half a minute to one and three quarter minutes



longer whilst others would be similarly shorter. In the context of the overall journey that would not be significant. Indeed, these times and distances would be worst case scenarios as outside the peak periods even greater priority could be given to pedestrians reducing any waiting time at crossings. This would not amount to 'severance'.

39. An alternative scheme at the proposed 'through-about', which would be the same as the appeal proposal but retain the two western subways as well, could be achieved but at a significantly increased cost. The appellant maintains that whilst this is not considered to be cost effective if such a scheme were considered necessary then it could be required by condition without disadvantaging anyone as the only difference would be cost and the retention of the western subways.
40. The Council's Statement of Case raised the matter of a *Stage 1 (Preliminary) Road Safety Audit* (RSA) to show that the in-principle proposals would be safe for all road users. Subsequently an independent audit was carried out in January 2013. Fourteen problems were raised, all of which have been accepted in the Designer's response, and they could all be addressed at the next stage of the design process.
41. The highways experts agree that the 3 metre wide footway/cycleway along Harrow Way should be clear of all lighting columns and street furniture, continue across junctions, and that a barrier should be provided to protect riders where there is a difference in levels alongside the footway/cycleway. The footway at Brighton Hill roundabout should be 2 metres wide at the Western Way exit and all the crossings at the roundabout should be signalised, including at Western Way.
42. Whilst a right turn from the Brighton Hill Retail Park into the appeal site could be made safely in the absence of other traffic, if it was prevented it would encourage linked trips on foot, discourage the use of the appeal site to get from the retail park to Harrow Way avoiding the signalised Brighton Hill roundabout, and maintain the capacity of the A30 junction. It would also ensure the safety of emerging pedestrians and cyclists, particularly as the latter might not be pushing their bikes as they should be. All these matters could be secured by conditions attached to any permission.
43. The Council confirmed in closing that the provision of a Section 106 Agreement overcame its fifth reason for refusal relating to the absence of an Agreement to secure a package of off-site highway measures to mitigate against the impacts of the proposed development. The proposals covered by the Agreement would satisfy the tests in *Community Infrastructure Levy Regulation 122*. With the safeguards provided by suggested conditions and the S106 Agreement there would not be any significant detrimental impact on highway safety in terms of access and traffic generation, including for pedestrians and cyclists. The proposal would comply with the aims of saved LP Policies E1 and A2 and the objectives of the *Framework*.

### **Other Matters**

44. The proposed store would provide a number of benefits. It would create new jobs, although it is accepted that trade draw from other stores would lead to the loss of some existing jobs, albeit not as many as would be created. Despite an extant planning permission for a DIY type store on the appeal site,

there is little indication that such a proposal would be implemented whilst the proposal would lead to the regeneration of a brownfield site. It is claimed that the store would provide a walk in catchment assisting social inclusion and sustainability, however, whilst some residents would doubtless use the store if it were closer than existing provision, the existing District Centre is less than a kilometre away and there are local parades with convenience stores serving the nearby residential areas limiting the claimed benefit.

45. There would be increased competition in this part of Basingstoke where Morrison's, Sainsbury's and Asda already have stores to the west of the Town Centre. Moreover, the proposal would take some pressure off other stores that are overtrading, especially the existing Tesco store in the Chineham District Centre. The draw of some customers from the Chineham store would lead to a reduction in travel distance for some Tesco customers for whom the proposed store would be closer than the existing store. The off-site highway works necessary to make the proposal acceptable in the evening peak period would lead to additional capacity in the morning peak when traffic generated by the proposed store would not be so great. There would be a resultant benefit through reduced congestion at that time.
46. Some local residents are concerned about noise and disturbance from use of the store for extensive hours, delivery lorries, and activities in the service yard. The nearest residential properties are separated from the appeal site by busy roads, which would limit the amount of additional noise and disturbance that might be caused. In addition, planning conditions could be attached to any permission requiring details of a Service Vehicle Management Plan, and an acoustic fence/barrier around the service yard, to be submitted for approval. Construction working hours could also be controlled. With these safeguards there would be no unacceptable additional noise and disturbance.
47. Some residents also maintain that consultation has been inadequate, or non-existent, such that local residents and traders are unaware of the scope of the proposals. Exhibitions were held early on, although not following the proposed closure of the Brighton Hill roundabout underpasses. The application was registered on 15 September and statutory and non statutory consultees, including neighbouring residential properties and businesses were consulted on 16 September. The application was included on the Council's weekly applications list and was published in the press on 23 September 2011. A site notice was displayed on the site. In addition, a full reconsultation was undertaken on the amended plans on 19 April 2012. A total of 229 responses were received, of which 163 raised objections and 55 supported the proposal with 9 making general comments, as well as two petitions one with the names of 1,356 objectors and one with 726 names of supporters. There is no indication that the statutory requirements for publicising the scheme were not carried out.

## **Overall Conclusion**

48. A presumption in favour of sustainable development is a 'golden thread' running through the *Framework*. The proposal would provide a number of benefits. It would redevelop a brownfield site which might not otherwise be developed in the near future. New jobs would be created, although this would be offset to some extent by job losses at other stores due to increased competition. However, the proposal would take some pressure off overtrading stores. Whilst the proposed store would provide a walk in facility for the

surrounding residential areas, there is an existing District Centre close by as well as local parades that provide convenience shopping. Off site highway improvements would help alleviate congestion and some Tesco customers diverted from the Chineham store would save on mileage by having a closer store.

49. Safe access would be provided for pedestrians, cyclists and drivers of vehicles linking to the surrounding networks. There would be no significant impact on Basingstoke Town Centre, Chineham District Centre or local shopping parades and although other out of centre stores would suffer an impact, they do not benefit from any policy protection.
50. However, there would be a significant adverse impact on the vitality and viability of the nearby Brighton Hill District Centre. In such a circumstance paragraph 27 of the *Framework* indicates that the proposal should be refused. Even if this were not the case, the adverse impact would be such that it would significantly and demonstrably outweigh the benefits when assessed against the policies in the *Framework* as a whole and as such the appeal should be dismissed.

*K D Barton*

INSPECTOR

## **APPEARANCES**

### **FOR TESCO STORES LIMITED:**

Christopher Katkowski QC	Instructed by Ashurst LLP, Broadwalk House, 5 Appold Street, London EC2A 2AG
He called	
Michael Bedwell CEng FIHT MICE	Waterman Transport Development Limited
Martin Robeson BA FRTPI FRICS FRSA	Martin Robeson Planning Practice

### **FOR BASINGSTOKE AND DEANE BOROUGH COUNCIL:**

Harriet Townsend of Counsel	Instructed by the Solicitor to Basingstoke and Deane BC
She called	
Jonathan Baldock BSc MSc FRICS MRTPI	Town Centres and Retail Planning Consultant
Scott Marshall BEng MICE MIHT	Managing Consultant, Atkins Highways and Transportation
Katherine Miles BA(Hons) MSc MRTPI	Senior Planning Officer, Basingstoke and Deane BC

### **FOR ASDA:**

Mark Lowe QC	Instructed by Deloitte LLP, Athene Place, 22 Shoe Lane, London EC4A 3BQ
He called	
Mark Underwood BA(Hons) MPhil AIEMA MRTPI	Partner, Deloitte Real Estate

### **FOR TESCO ACTION GROUP (TAG):**

Ruth Burton	Local Resident
She called	
Nigel Wooldridge	Local Resident
Kathy May-Miller	Local Resident
Denis McCabe BSc(Hons) MA	Headteacher, Aldworth Science College, Western Way, Basingstoke
Heather Rainbow	Local Resident and Cyclist
Mark Buttress	Proprietor, Jay Bee's Convenience Store, Kings Furlong

Cllr Carolyn Wooldridge	Borough Councillor Brighton Hill Ward
Tina Jordan	Local Resident

**INTERESTED PERSONS:**

Anthony Bravo	Basingstoke College of Technology
Mrs V Powter	Local Resident
Cllr Colin Regan	Ward Councillor
John Kearney	Local Resident
Cllr Brian Gurden	County Councillor Basingstoke South East, Borough Councillor Brighton Hill
Gina Oxer	Local Resident
Kathleen Lund	Local Resident
Henry Lund	Local Resident

**DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Plans of Brighton Hill Centre and Plan showing locations of other stores and parades subject of site visits
- 2 Core Documents Volume 8 Statements of Common Ground and Section 106 Agreement
- 3 Evidence Statement of Cllr Wooldridge
- 4 Evidence in chief note submitted by Mr Baldock
- 5 Opening submissions on behalf of Basingstoke and Deane Borough Council
- 6 Opening submissions on behalf of ASDA Stores
- 7 Opening submissions on behalf of TAG
- 8 Opening submissions on behalf of Tesco
- 9 Extracts from Mintel UK Retail Rankings 2012 and Retail Forum No 17 July 2009 submitted by Mr Robeson
- 10 Crime statistics for area close to Brighton Hill roundabout submitted by Mr Bedwell
- 11 Letters submitted by Mr Kearney
- 12 Reprinted App 6e, errata sheet to proof of evidence and errata sheet to summary proof of evidence
- 13 Ms Miles response to Mr Robeson's rebuttal proof of evidence
- 14 Ms Miles response to Mr Bedwell's rebuttal proof of evidence
- 15 Accident analysis before during and after construction of a Through-about at Fareham submitted by Mr Bedwell
- 16 Multi modal TRICS data from App I of the Transport Assessment (CD6.4)
- 17 Plan showing location of former subway on Brighton Way submitted by Mr Bedwell

- 18 Note from Mr Eyre submitted by TAG
- 19 Local crime figures submitted by TAG (Cllr Eyre)
- 20 Plan showing proposals for Through-about junction at Brighton Hill submitted by Mr Bedwell
- 21 Presentation and attachments submitted by TAG (Mrs Rainbow)
- 22 TAG's response to Mr Bedwell's rebuttal proof of evidence
- 23 Statement read by Cllr Brian Gurden
- 24 E-mail from Rachel Patterson submitted by TAG
- 25 Basingstoke Cycle Network submitted by TAG (Mrs Rainbow)
- 26 Survey data submitted by TAG (Ms Jordan)
- 27 Trade draw data as requested in cross examination submitted by Mr Underwood
- 28 Note on calculations put to Mr Baldock in cross examination
- 29 E-mail and plan to clarify Tesco's net sales area figure
- 30 Errata to Mr Robeson's Proof of Evidence
- 31 Clarification of figures quoted in paragraph 52 of Mr Robeson's rebuttal proof of evidence
- 32 Reported pedestrian casualties by location, age, road crossing type and severity for Great Britain 2011 submitted by TAG
- 33 Amendment to proof of evidence of Scott Marshall
- 34 Note on measurement of Tesco's net retail sales area submitted by Mr Baldock
- 35 Completed Section 106 Agreement dated 28 February 2013.
- 36 Final Statement of Common Ground between Basingstoke and Deane BC and Tesco
- 37 Amended and additional conditions suggested by Basingstoke and Deane BC
- 38 Tesco comments on draft conditions
- 39 Plan showing calculation of Gross External Area
- 40 Plan showing calculation of Gross Internal Area
- 41 Traffic Advisory Leaflet 15/99 submitted by Mrs Rainbow
- 42 Closing submissions on behalf of Tesco Action Group
- 43 Closing submissions on behalf of ASDA Stores Limited
- 44 Closing submissions on behalf of Basingstoke and Deane Borough Council
- 45 Mr Lowe's calculations as mentioned in closing
- 46 Extract from web site on crime statistics
- 47 Closing submissions on behalf of Tesco Stores